

Remarks

Claim Status

By this response claims 3 and 19 are canceled, claims 1, 9, 15 and 21 have been amended without prejudice or disclaimer. Claims 1, 2, 4-18, 20, and 21 are pending.

Claim Rejections - 35 USC § 112

The term “education process” has been changed to “heating the stent to a temperature above the glass transition temperature of the stent such that the predetermined size and shape is retained and then cooling the stent” in claim 21. Applicant respectfully submits that amended claim 21 meets the requirements of 35 USC § 112, second paragraph.

Allowable Subject Matter

In this Office Action, the Examiner considers that a method of crimping a polymeric stent according to anyone of claims 1, 2, 6, 8 10-12, 15-17 and 20 is anticipated by Bagaoisan et al. (US 5,893,867) but indicates that claims 3, 4, 7, 9, 13, 14 and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the enclosed set of claims, Applicant believes that the application is ready for allowance. In particular:

The subject matter of previous claim 3 has been added to claim 1. The Office Action indicates that the subject matter of previous claim 3 is allowable(see paragraph 7, page 4 of the outstanding Office Action). Claims 2 and 4-14 depend from claim 1 and are allowable for at least the reasons claim 1 is allowable.

The subject-matter of previous claim 19 has been added to claim 15. The Office Action indicates that the subject matter of claim 19 is allowable (see paragraph 7, page 4 of the outstanding Office Action). Amended claim 15 is supported by at least previous claim 19 (now deleted) as well as by paragraph 13, line 5, page 3 of the patent application as filed. Claims 16-18 and 20 depend from claim 15 and are allowable for at least the reasons claim 15 is allowable.

Claim 21 has been amended as indicated in the “Claim Rejections - 35 USC § 112” section above. The amendment to claim 21 is supported by at least page 8 (paragraph 46) of the patent application as filed. The Office Action indicates that claim 21 would be allowable if the rejections under 35 USC § 112 are overcome. Amended claim 21 is in condition for allowance.

All pending claims are in condition for allowance.

Conclusion

These amendments are made without prejudice or disclaimer and solely in order to facilitate reconsideration of this application. In particular, applicant reserves his right to file a divisional application at a later stage, and the present amendment shall not be considered as an admission of the objection or as a waiver of any subject matter.

Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering this Amendment and Response to deposit account number 03-0172, order number 29644-04003.

Date: Jan. 20, 2010

Respectfully submitted,



Kenneth J. Smith, Registration No. 45,115

Customer No. 24024

Telephone: 216-622-8674

ipdocket@calfee.com